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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,411	01/07/2004	Karen Jackson	330499.00025	4891
27160	7590	12/02/2008	EXAMINER	
KATTEN MUCHIN ROSENMAN LLP (C/O PATENT ADMINISTRATOR) 2900 K STREET NW, SUITE 200 WASHINGTON, DC 20007-5118				ORWIG, KEVIN S
ART UNIT		PAPER NUMBER		
1611				
			MAIL DATE	DELIVERY MODE
			12/02/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10752411	1/7/2004	JACKSON, KAREN	330499.00025

EXAMINER

Kevin S.. Orwig

ART UNIT	PAPER
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1611 20081125

DATE MAILED:

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**Commissioner for Patents**

1. The reply filed on Jul. 28, 2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the amendment is non-responsive because the claims drawn to the elected invention were amended to recite a non-elected invention (MPEP § 821.03). The amended claims are not readable on the elected invention because applicant elected the use of devazepide in the manufacture of a monophasic pharmaceutical composition (Group IV in the restriction requirement dated Aug. 22, 2007). However, the claims, as currently amended, no longer recite a process of manufacture, but rather recite a process for the treatment of a patient. As set forth in the restriction requirement, these two methods are patentably distinct. Applicant is required to properly amend the claims so that the claims are still readable on the elected invention. See 37 CFR 1.111.

2. Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD OF ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

KSO

/Sharmila Gollamudi Landau/  
Supervisory Patent Examiner, Art Unit 1611

/Kevin S. Orwig/  
Examiner, Art Unit 1611